

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANK CROW, *et. al.*,

Plaintiffs,

v.

DORIA RHONE, individually, and in her official
capacity,

Defendant.

Case No. 09-14497

Honorable John Corbett O'Meara

ORDER DISMISSING STATE CLAIMS

This matter came before the court on Plaintiffs' four-count complaint alleging the following causes of action: Count I, violations of the Fourth Amendment; Count II, violations of the Fourteenth Amendment; Count III, negligent infliction of emotional distress; and Count IV, negligence.

While claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). Accordingly, it is hereby **ORDERED** that Counts III and IV are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: February 24, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 24, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager